IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 27725 of 2006(A)

PETITIONER:

VARGHESE VARKEY,S/O.VARGHESE VARKEY,AGED 68,RESIDING AT PARAKKAMANNIL HOUSE,CHIRAYIRAMBU, MAREMON,PIN- 689 354,KERALA,NOW RESIDING AT 78,FESTIVAL ROAD, VICTORIA ISLAND, KAGOS NIGERIA,REP.BY HIS DULY APPOINTED POWER OF ATTORNEY HOLDER JACOB KOVOOR, S/O.KOVOOR IYPE NINAN,CONSULTANTS PVT.LTD.L, 2-A,AROMA GARDENS,LISSY JUNCTION, S.R.M. ROAD, KOCHI-18.

BY ADV. SRI.P.R.JAYAKRISHNAN,
SRI.A.BIJU MANOHAR.

RESPONDENTS:
----

1. **DISTRICT COLLECTOR, CIVIL STATION, KAKKANAD, ERNAKULAM.**
2. **VILLAGE OFFICER, ERNAKULAM.**
3. **ABRAHAM GEORGE, SANTI, S/O.P.A.GEORGE, AGED 60, P.A.GEORGE ING, CONVERT JUNCTION, ERNAKULAM.**

BY GOVT. PLEADER SRI. MOHAMMED RAFIQ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.27725/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: THE POWER OF ATTORNEY DTD. 11/10/2006 BY THE PETITIONER IN FAVOUR OF JACOB KOVOOR.

EXT.P.2: COPY OF THE SALE DEED NO. 2399/1982 DTD. 14/07/1982.

EXT.P.3: THE PETITIONER IS PAYING PROPERTY TAX TO THE CORPORATION AND TAX PAID RECEIPT DTD. 25/04/2005 ISSUED BY CORPORATION.

EXT.P.4: COPY OF THE RECEIPT ISSUED BY CORAMENTAL LTD. DTD. 16/11/99 IN FAVOUR OF PETITIONER'S WIFE EVIDENCING TRANSPORT OF 3 PIECES OF LATHER SOFA SET.

EXT.P.5: COPY OF THE INVOICE DTD. 19/02/2000 ISSUED BY EROPAUL.

EXT.P.6: COPY OF THE CHEQUE DTD. 23/02/2000 EVIDENCING PAYMENT TO EROPAUL INDUSTRIES.

EXT.P.7: COPY OF THE RECEIPT DTD. 23/02/2000 BY EROPAUL.

EXT.P.8: COPY OF THE BILL DTD. 16/03/2000 ISSUED BY EROPAUL.

EXT.P.9: COPY OF THE INVOICE DTD. 16/03/2000.

EXT.P.10: COPY OF THE RECEIPT DTD. 22/03/2000.

EXT.P.11: COPY OF THE INVOICE DTD. 04/04/2000 ISSUED BY VITAFOAM TO VARGHESE.

EXT.P.12: COPY OF THE INTERNATIONAL PASSANGER BAGGAGE DECLARATION DTD. 05/07/2000.

EXT.P.13: COPY OF THE RECEIPT DTD. 07/04/2000 ISSUED BY EROPAUL.

EXT.P.14: COPY OF THE RECEIPT DTD. 01/05/2000.

EXT.P.15: COPY OF THE RECEIPT DTD. 03/05/2000.

EXT.P.16: COPY OF THE CASH MEMO DTD. 28/04/2000.

EXT.P.17: COPY OF THE NON-COMMERCIAL EXPORTS FROM NIGERIAL DTD. 23/05/2000 IN FAVOUR OF PETITIONER.

EXT.P.18: COPY OF THE BILL OF LADING DTD. 28/05/2000 ISSUED BY SANCHAM HOLDERS LTD. TO PETITIONER'S WIFE.

W.P.(C). NO.27725/2006:

EXT.P.19: COPY OF THE PAYMENT RECEIPT DTD. 10/07/2000 ISSUED BY P & O NELLOYD INDIA LTD.

EXT.P.20: COPY OF THE RECEIPT ISSUED BY HITACHI.

EXT.P.21: COPY OF THE RECEIPT DTD. 25/08/2000 ISSUED BY URUMBATH ASSOCIATION.

EXT.P.22: COPY OF THE CREDIT BILL DTD. 06/11/2000.

EXT.P.23: COPY OF THE CASH BILL DTD. 06/11/2000.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 27725 OF 2006-A

JUDGMENT

The petitioner is the owner of the properties covered by Exts.P2 to P23. He has approached this Court, apprehending that they may be attached and sold in public auction by the revenue recovery officials for the dues from his brother-in-law, the 3rd respondent herein.

2. I heard the learned Government Pleader for the respondents also. He submits, it is only an apprehension of the petitioner that is voiced. If, actually anything happens, the petitioner has got a right to file claim petition, it is submitted.

3. For the liability of the 3rd respondent, the movable and immovable properties of the petitioner cannot be attached or sold. If, by mistake or based on some dispute regarding the ownership, any of the properties of the petitioner is attached, he has got remedies under the provisions of the Revenue Recovery Act, which he can invoke. The Writ Petition is disposed of with the above observation.

22nd February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/